

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47172 of 2023

Arising Out of PS. Case No.-331 Year-2023 Thana- MAHUA District- Vaishali

Vikas Kumar S/O Ravindra Rai R/O Sahpur, Chowk, P.S.-Mahua, District-
Vaishali

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mahua P.S. Case No.- 331 of 2023 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that on a raid conducted by two teams, 20 bottles of 750 ml foreign liquor, 12 bottles of other company and 24 litres of liquor were recovered from the field and upon interrogation with the villagers, they disclosed the name of the petitioner, Rakesh Kumar, Bacchu Kumar, Sanjeev Kumar and Vikash Kumar who are indulged in providing liquor to the customers.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has not been apprehended on spot and no recovery has been made from his conscious possession.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the alleged recovery of the liquor is said to have been made from the field of one Md. Kaimur, the seizure list witnesses are the member of the raiding party and the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Mahua P.S. Case No.- 331 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special judge, Exclusive Excise Court No. 2, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at



any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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